

**ENTERED**

January 29, 2019

David J. Bradley, Clerk

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
MCALLEN DIVISION

RAUL MENDIOLA,

VS.

WARDEN & "JOHN/JANE DOE," *et al*

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MISC.ACTION NO. M-16-432

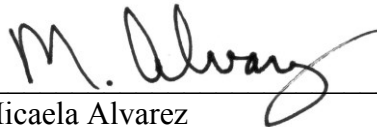
**ORDER ADOPTING REPORT AND RECOMMENDATION**

Before the Court is Plaintiff's civil rights action filed pursuant to 42 U.S.C. § 1983, which had been referred to the Magistrate Court for a report and recommendation. On January 8, 2019, the Magistrate Court issued the Report and Recommendation, recommending that Plaintiff's § 1983 action be **DISMISSED** without prejudice for want of prosecution. The time for filing objections has passed and no objections have been filed.

Pursuant to Federal Rule of Civil Procedure 72(b), the Court has reviewed the Report and Recommendation for clear error.<sup>1</sup> Finding no clear error, the Court adopts the Report and Recommendation in its entirety. Accordingly, Plaintiff's § 1983 action is **DISMISSED** without prejudice and the Court **ORDERS** this case CLOSED.

IT IS SO ORDERED.

DONE at McAllen, Texas, this 29th day of January, 2019.

  
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Micaela Alvarez  
United States District Judge

<sup>1</sup> As noted by the Fifth Circuit, "[t]he advisory committee's note to Rule 72(b) states that, '[w]hen no timely objection is filed, the [district] court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.'" Douglas v. United States Service Auto. Ass'n, 79 F.3d 145, 1420 (5th Cir. 1996) (quoting Fed. R. Civ. P. 72(b) advisory committee's note (1983)) *superceded by statute on other grounds* by 28 U.S.C. § 636(b)(1), as stated in ACS Recovery Servs., Inc. v. Griffin, No. 11-40446, 2012 WL 1071216, at \*7 n. 5 (5th Cir. April 2, 2012).